

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ZENIA BROWN,

Plaintiff,

v.

KILOLO KIJAKAZI,

Defendant.

Case No. 2:23-cv-00254-NJK

Order

[Docket Nos. 1, 2]

Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis* (Docket No. 1), and has submitted a Complaint (Docket No. 2).

I. Application to Proceed *In Forma Pauperis*

Plaintiff filed an application to proceed *in forma pauperis*. Docket No. 1. The application has sufficiently shown an inability to prepay fees and costs or give security for them. Accordingly, the application to proceed *in forma pauperis* will be granted pursuant to § 1915. The Court will now review Plaintiff's complaint.

II. Screening the Complaint

When a party seeks permission to pursue a civil case *in forma pauperis*, courts will screen the complaint. *See* 28 U.S.C. § 1915(e). With respect to social security appeals specifically, judges in this District have outlined some basic requirements for complaints to satisfy the Court's screening. First, the complaint must establish that administrative remedies were exhausted pursuant to 42 U.S.C. § 405(g), and that the civil action was commenced within 60 days after notice of a final decision. Second, the complaint must indicate the judicial district in which the plaintiff resides. Third, the complaint must state the nature of the plaintiff's disability and when the plaintiff claims to have become disabled. Fourth, the complaint must contain a plain, short, and concise statement identifying the nature of the plaintiff's disagreement with the determination

1 made by the Social Security Administration and show that the plaintiff is entitled to relief. *See*,
2 *e.g.*, *Graves v. Colvin*, 2015 WL 357121, *2 (D. Nev. Jan. 26, 2015) (collecting cases).

3 In this case, Plaintiff's complaint fails to comply with several of the above requirements.


4 **III. Conclusion**

5 Accordingly, the Court hereby **ORDERS** as follows:

- 6 1. Plaintiff's request to proceed *in forma pauperis* is **GRANTED** with the caveat that the
7 fees shall be paid if recovery is made. At this time, Plaintiff shall not be required to
8 pre-pay the filing fee.
- 9 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
10 prepayment of any additional fees or costs or the giving of a security therefor. The
11 Order granting leave to proceed *in forma pauperis* shall not extend to the issuance of
12 subpoenas at government expense.
- 13 3. The complaint is **DISMISSED** with leave to amend. Docket No. 2. Plaintiff will have
14 until **March 8, 2023**, to file an Amended Complaint, if Plaintiff believes the noted
15 deficiencies can be corrected.

16 IT IS SO ORDERED.

17 Dated: February 22, 2023

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20 Nancy J. Koppe
21 United States Magistrate Judge
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